



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 11 2010

REPLY TO THE ATTENTION OF:

AE 17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Randy Yaroch  
Energy Plant Manager  
Sanimax Energy Inc.  
DeForest, Wisconsin 53532

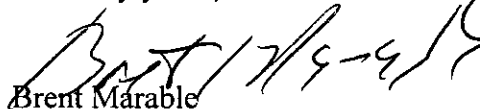
Dear Mr. Yaroch:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves Sanimax Energy CAA Docket No. CAA-05-2010-0008. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on JAN 11 2010.

Pursuant to paragraph 57 of the CAFO, Sanimax must pay the \$9,645.50 civil penalty within 30 days of the date the CAFO was filed, JAN 11 2010, and pursuant to paragraph 63 of the CAFO, Sanimax must complete the agreed upon supplemental environmental project by March 1, 2010. The check must display the case docket number, CAA-05-2010-0008, and the billing document number, 2751003A009.

Please direct any questions regarding this case to Cynthia A. King at 312-886-6832.

Sincerely yours,



Brent Marable

Chief

Air Enforcement and Compliance Assurance Section IL/IN

Enclosure

cc: William Baumann, Chief  
Compliance and Enforcement Section  
Wisconsin Department of Natural Resources

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:**

**Sanimax Energy, Inc.,  
DeForest, Wisconsin**

**Respondent.**

**Docket No. CAA-05-2010-0008**

**Proceeding to Assess a Civil Penalty  
Under Section 113(d) of the Clean Air  
Act, 42 U.S.C. § 7413(d)**

**RECEIVED**  
JAN 11 2010

**Consent Agreement and Final Order**

**Preliminary Statement**

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Sanimax Energy, Inc., a corporation doing business in Wisconsin.

4. Pursuant to 40 C.F.R. § 22.13(b), where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of the CAFO.

### **Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in the CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

### **Statutory and Regulatory Background**

#### **NSPS Subpart NNN**

9. On June 29, 1990, 55 Fed. Reg. 26942, EPA promulgated the National Emission Standards for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations (SOCMI) at 40 C.F.R. Part 60, Subpart NNN (Subpart NNN).

10. Subpart NNN states at 40 C.F.R. § 60.660(a) that the provisions of this subpart apply to each affected facility designated in 40 C.F.R § 60.660(b) that is part of a process unit that produces any of the chemicals listed in 40 C.F.R § 60.667 as a product, co-product, by-product, or intermediate, except as provided in 40 C.F.R § 60.660(c).

11. Subpart NNN states at 40 C.F.R. § 60.660(b) that an affected facility is any of the following for which construction, modification, or reconstruction began after December 30, 1983:

- a. each distillation unit not discharging its vent stream into a recovery system.
- b. each combination of a distillation unit and the recovery system into which its vent stream is discharged.
- c. each combination of two or more distillation units and the common recovery system into which their vent streams are discharged.

12. At 40 C.F.R. § 60.660(c)(4), Subpart NNN provides exemptions from the provisions of 40 C.F.R. § 60.660(a) to each affected facility that has a total resource effectiveness (TRE) index value greater than 8.0, except for 40 C.F.R. §§ 60.662; 60.664 (d), (e), and (f); and 60.665 (h) and (l).

13. At 40 C.F.R. § 60.662, Subpart NNN requires that an owner or operator of an affected facility shall comply with one of the following for each vent stream on and after the date on which the initial performance test is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial start-up, whichever date comes first:

- a. reduce emissions of TOC (less methane and ethane) by 98 weight-percent, or to a TOC (less methane and ethane) concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen; or
- b. combust the emissions in a flare; or
- c. maintain a TRE index value greater than 1.0 without use of VOC emission control devices.

14. At 40 C.F.R. § 60.664(e), Subpart NNN requires that an owner or operator of a SOCFI distillation unit use the specified test methods for determining the process vent stream TRE index value to demonstrate compliance with the Subpart NNN emission standards at 40 C.F.R. § 60.662(c).

15. At 40 C.F.R. § 60.664(f), Subpart NNN requires that an owner or operator of a SOCFI distillation unit with a nonhalogenated vent stream determine the TRE index value by calculating values using both the incinerator equation in (f)(1) and the flare equation in (f)(2) specified in this section and selecting the lower of the two values for purposes of complying with 40 C.F.R. § 60.662(c).

16. At 40 C.F.R. § 60.665(h), Subpart NNN requires that an owner or operator of an affected facility seeking to demonstrate compliance with 40 C.F.R. § 60.662(c) shall keep up-to-date, readily accessible records of: (1) any changes in production capacity, feedstock type, or catalyst type, or of any replacement, removal or addition of recovery equipment or a distillation unit; and (2) any recalculation of the TRE index value performed pursuant to 40 C.F.R. § 60.664(f).

17. At 40 C.F.R. § 60.665(l), Subpart NNN states that each owner or operator that seeks to comply with the requirements of Subpart NNN by complying with the requirements of 40 C.F.R. § 60.660 (c)(4), shall submit to the Administrator semiannual reports. The initial report shall be submitted within 6 months after the initial start-up date.

#### **NSPS Subpart VV**

18. On October 18, 1983, 48 Fed. Reg. 48335, U.S. EPA promulgated the Standards of Performance For Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006 at 40 C.F.R. Part 60, Subpart VV (Subpart VV).

19. Subpart VV states at 40 C.F.R. § 60.480(a)(1) that the provisions of this subpart apply to affected facilities in the synthetic organic chemicals manufacturing industry.

20. Under 40 C.F.R. § 60.480(a)(2) of Subpart VV an affected facility is the group of all equipment in VOC service within a process unit, including those defined in 40 C.F.R. § 60.481.

21. Subpart VV states at 40 C.F.R. § 60.480(b) that any affected facility under 40 C.F.R. § 60.480(a) that commences construction, reconstruction, or modification after January 5, 1981, and on or before November 7, 2006, is subject to the requirements of 40 C.F.R. Part 60, Subpart VV.

22. Under 40 C.F.R. § 60.481 of Subpart VV “equipment” is defined as each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by Subpart VV.

23. At 40 C.F.R. § 60.482-1(a), Subpart VV requires that each owner or operator of an affected facility shall demonstrate compliance with the requirements of 40 C.F.R. §§ 60.482-1 through 60.482-10 or 40 C.F.R. § 60.480(e) for all equipment within 180 days of initial startup.

24. At 40 C.F.R. § 60.485, Subpart VV requires that each owner or operator of an affected facility shall determine compliance with the standards in 40 C.F.R. §§ 60.482-1 through 60.482-10 using the specified leak detection methods.

25. At 40 C.F.R. § 60.486, Subpart VV requires that each owner or operator of an affected facility maintain records of each leak detected as specified in 40 C.F.R. §§ 60.486(b) – 60.487(j).

26. At 40 C.F.R. § 60.487(a), Subpart VV requires that each owner or operator of an affected facility shall submit semiannual reports to the Administrator beginning six months after the initial startup date.

27. Pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d), the Administrator of EPA may assess civil penalties of up to \$25,000 per day for each violation of the Act. Under the Civil Monetary Inflation Adjustment Rule, 40 C.F.R. Part 19, that amount was increased to \$32,500 per day of violation, up to a total of \$270,000, for violations that occurred between March 15, 2004 and January 11, 2009, and up to \$37,500 per day of violation, up to a total of \$295,000, for violations that have occurred on or after January 12, 2009.

28. Section 113(d)(1), 42 U.S.C. § 7413(d)(1), limits the Administrator’s authority to

matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

29. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

#### **Factual Allegations and Alleged Violations**

30. Sanimax owns and operates a commercial grade biodiesel fuel production facility located in DeForest, Wisconsin (the facility).

31. Sanimax is a "person," as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

32. Sanimax obtained an air pollution control permit for construction of its biodiesel production facility on November 18, 2005 from the Wisconsin Department of Natural Resources (WDNR).

33. Sanimax applied for an air pollution control operating permit October 31, 2006, with additional information submitted on November 15, 2006, and January 10, 2007. The application was for the operation of a facility to produce commercial grade biodiesel fuel.

34. WDNR issued an air pollution control operation permit (Permit No. 113319250-F02) for the facility on April 2, 2007.

35. The facility began operating in April 2007.

**NSPS Subpart NNN**

36. The operating permit (Permit No. 113319250-F02) for the facility states that “the source is not subject to the New Source Performance Standards . . . 40 C.F.R. Part 60, Subpart NNN . . . because the Reactor Processes are operated on a batch basis.”

37. From at least April 2007 through the present, Sanimax has operated a continuous process at the facility.

38. At the facility, Sanimax produces both acetic acid and methanol from the listed chemicals in 40 C.F.R. § 60.667 as product, co-product, by-product, or intermediate in its biodiesel production process.

39. As part of its biodiesel operation’s gas recovery system, Sanimax operates 3 distillation units (one biodiesel distillation unit and two glycerine distillation units). Each distillation unit vents to the methanol distillation recovery unit which includes the methanol distillation column. Each combination of a distillation unit and the methanol recovery system into which its vent stream is discharged as well as the methanol distillation unit itself are subject to 40 C.F.R. Part 60, Subpart NNN, and are affected facilities as defined in 40 C.F.R. § 60.660(b).

40. The facility is subject to 40 C.F.R. Part 60, Subpart NNN §§ 60.662; 60.664 (d), (e), and (f); and 60.665 (h) and (l) as required by the exemption in § 60.660(c)(4).

41. Sanimax calculated a TRE index value of its vent stream of 121.30.

42. From at least April 2007 to April 16, 2009, Sanimax failed to use the test methods specified in 40 C.F.R. § 60.664(e) for determining the process vent stream TRE index value to demonstrate compliance with 40 C.F.R. § 60.662(c).



43. From at least April 2007 to April 16, 2009, Sanimax failed to use the equations required in 40 C.F.R. § 60.665(f) to calculate the process vent stream TRE index value to demonstrate compliance with 40 C.F.R. § 60.662(c).

44. From at least April 2007 to April 16, 2009, Sanimax failed to keep up-to-date, readily accessible records as required in 40 C.F.R. § 60.665(h).

45. From at least April 2007 to April 16, 2009, Sanimax failed to submit to the Administrator semiannual reports and the initial report which is to be submitted within 6 months after the initial start-up-date as required under 40 C.F.R. § 60.665(i).

46. Sanimax's failure to comply with the requirements of the NSPS is a violation of Section 111 of the Act, 42 U.S.C. § 7411, and the implementing regulations at 40 C.F.R. Part 60, Subpart NNN.

#### **NSPS Subpart VV**

47. The facility's operating permit states "[t]he facility is subject to ... 40 C.F.R. subpart VV."

48. From at least April 2007, Sanimax has operated a group of equipment in volatile organic compound service defined in 40 C.F.R. § 60.481 as an affected facility.

49. Sanimax operates equipment defined as an affected facility subject to 40 C.F.R. Part 60, Subpart VV.

50. From at least April 2007 to May 14 and 15, 2009, Sanimax failed to comply with the leak detection and repair requirements of 40 C.F.R. §§ 60.482-1 through 60.482-10 or 40 C.F.R. § 60.480(e) for all equipment within 180 days of initial startup.

51. From at least April 2007 to May 14 and 15, 2009, Sanimax failed to perform equipment leak detection and repair using the leak detection methods required in 40 C.F.R.

§ 60.485.

52. From at least April 2007 to May 14 and 15, 2009, Sanimax failed to comply with the recordkeeping requirements required in 40 C.F.R. § 60.486.

53. From at least April 2007 to May 14 and 15, 2009, Sanimax failed to comply with the reporting requirements of 40 C.F.R. § 60.487.

54. From at least April 2007 to May 14 and 15, 2009, Sanimax failed to demonstrate compliance with the provisions of 40 C.F.R. Part 60, Subpart VV as specified in its current operating permit, No. 113319250-F02, expiring April 2, 2012.

55. Sanimax's failure to comply with the requirements of the NSPS is a violation of Section 111 of the Act, 42 U.S.C. § 7411 and the implementing regulations at 40 C.F.R. Part 60, Subpart VV.

#### **Civil Penalty**

56. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, as well as Respondent's cooperation, prompt return to compliance, and agreement to perform a supplemental environmental project, Complainant has determined that an appropriate civil penalty to settle this action is \$9,645.50.

57. Within 30 days after the effective date of this CAFO, Respondent must pay a \$9,645.50 civil penalty by sending a cashier's or certified check payable to the "Treasurer, United States of America," to (for checks sent by regular U.S. Postal Service mail):

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

For checks sent by express mail:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the case name, docket number of this CAFO, and the billing document number.

58. If paying by check, a transmittal letter stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-13J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Cynthia A. King, (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

59. This civil penalty is not deductible for federal tax purposes.

60. If Respondent does not pay timely the civil penalty or any stipulated penalties due under paragraph 72, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable

in a collection action.

61. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

#### **Supplemental Environmental Project**

62. Respondent must complete a supplemental environmental project (SEP) designed to reduce pollutants and eliminate odor from their waste grease storage tanks at the facility.

63. At the facility, Respondent must purchase and install an end-of-process technology which eliminates odor from its waste grease storage tanks by March 1, 2010.

64. Respondent must spend at least \$40,350 to purchase the equipment and operate the equipment for five years.

65. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

66. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

67. Respondent must submit a SEP completion report to U.S. EPA by April 30, 2010.

This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

68. Respondent must submit all notices and reports required by this CAFO by first class

mail to:

Attn: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

69. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

70. Following receipt of the SEP completion report described in paragraph 67, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;

- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 72.

71. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 72, below.

72. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent spends less on the SEP than 90% of the amount set forth in paragraph 64, above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 64.
- b. If Respondent has completed the SEP but the SEP is not satisfactory, Respondent must pay \$38,582 in addition to any penalty required under subparagraph 72.a, above.
- c. If Respondent halts or abandons work on the SEP, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 64. The penalty will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to comply with the schedule in paragraph 63, above, for implementing the SEP, or fails to submit timely the SEP completion report required by paragraph 67, above, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

Penalty per violation per day  
\$250

Period of violation  
1<sup>st</sup> through 14<sup>th</sup> day

\$500  
\$750

15<sup>th</sup> through 30<sup>th</sup> day  
31<sup>st</sup> day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone until it achieves compliance with the milestone.

73. U.S. EPA's determination of whether Respondent satisfactorily completed the SEP will bind Respondent.

74. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 57, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

75. Any public statement that Respondent makes referring to the SEP must include the following language, "Sanimax Energy, Inc. undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Sanimax Energy, Inc. for violations of Clean Air Act."

76. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

#### **General Provisions**

77. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

78. The CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

79. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws. Except as provided in paragraph 77, above, compliance with this CAFO will not be a defense to any actions subsequently commenced

pursuant to federal laws administered by Complainant.

80. Respondent certifies that it is complying fully with NSPS, 40 C.F.R. Part 60, Subparts NNN and VV at the facility.

81. This CAFO constitutes an "enforcement response" as that term is used in U.S. EPA's *Clean Air Act Stationary Source Civil Penalty Policy* to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

82. The terms of this CAFO bind Respondent, its successors, and assigns.

83. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

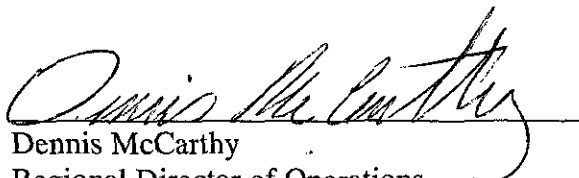
84. Each party agrees to bear its own costs and attorneys' fees in this action.

85. This CAFO constitutes the entire agreement between the parties.

86. The effective date of this CAFO is the date on which it is signed by the Regional Administrator or his designee.

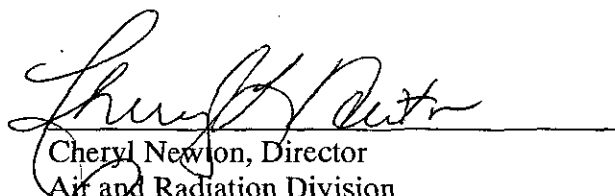
**Sanimax Energy, Inc., Respondent**

12/14/09  
Date

  
Dennis McCarthy  
Regional Director of Operations  
Sanimax Energy, Inc.

**United States Environmental Protection Agency, Complainant**

1/6/10  
Date

  
Cheryl Newton, Director  
Air and Radiation Division  
U.S. Environmental Protection  
Agency, Region 5 (A-18J)



**CONSENT AGREEMENT AND FINAL ORDER**

**In the Matter of:**

**Sanimax Energy, Inc., Respondent**

**Docket No. CAA-05-2010-0008**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

1/7/10  
Date

Walter W. Kovalish  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection  
Agency, Region 5

RECEIVED  
JAN 11 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**CONSENT AGREEMENT AND FINAL ORDER**

**Sanimax Energy, Inc.**

**Docket No.**

**CAA-05-2010-0008**

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I hand delivered the original of the Consent Agreement and  
Final Order, docket number CAA-05-2010-0008 to the Regional Hearing Clerk, Region 5, United States  
Environmental Protection Agency, and that I mailed correct copies by first-class, postage  
prepaid, certified mail, return receipt requested, to Sanimax by placing them in the custody of the  
United States Postal Service addressed as follows:

Randy Yaroch  
Energy Plant Manager  
Sanimax Energy, Inc.  
605 Bassett Street  
DeForest, Wisconsin 53532

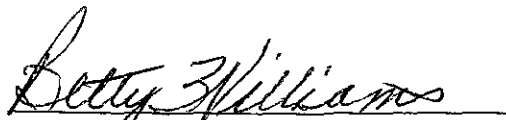
**RECEIVED**  
JAN 11 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

I also certify that a copy of the CAFO was sent by first-class mail to:

William Baumann, Chief  
Compliance and Enforcement Section  
Wisconsin Department of Natural Resources  
Bureau of Air Management  
101 S. Webster Street  
P.O. Box 7921 (AM/7)  
Madison, Wisconsin 53702

on the 11th day of January 2010.

  
Betty Williams  
Administrative Program Assistant  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70012320000589160125